

JUL 21 2004 1:46PM

SUTHERLAND ASBILL

NO. 730 P. 10

Serial No. 10/065,046  
Reply to Office Action dated April 22, 2004  
Amendment dated July 21, 2004

### REMARKS

The present application has 3 claims (after claims 3-13 and 15-31 were previously withdrawn from consideration). The pending claims are 1, 2 and 14, with claims 1 and 14 being independent claims.

#### 35 U.S.C. § 103:

Claim 1, 2 and 14 were rejected under 35 U.S.C. § 103 as being unpatentable over either Hirata et al. or Japanese Specification 11-153041 taken in view of either Yamada et al. or La Haye.

The Applicant believes that the amendments made herein overcome the rejection, as the Applicant has amended independent claims 1 and 14 to include the elements associated with one of the species identified by Examiner in his Office Action of March 2, 2004. Specifically, the Applicant has amended claims 1 and 14 to include a compressor power turbine wherein said electric motor powers said radial gas compressor during microturbine start-up and said compressor power turbine powers said radial gas compressor after microturbine start-up is complete. None of the cited references disclose a compressor power turbine. Further, having the radial gas compressor powered by the electric motor during start-up and then powered by the compressor power turbine is not taught by any of the cited references or well known in the art. The Applicant submits that claims 1 and 14, as amended, are patentable over the cited prior art references.

The Applicant also has amended withdrawn claims (5-9, 11, 13, 17-21, and 23) where necessary to be consistent with the amendments made to independent claims 1 and 14. Pursuant to MPEP 809.02(c), Applicant notes that when claims to each of the additional species are

AO 1157050.1

9

JUL 21 2004 1:47PM

SUTHERLAND ASBILL

NO. 730 P. 11

Serial No. 10/065,046  
Reply to Office Action dated April 22, 2004  
Amendment dated July 21, 2004

embraced by an allowable generic claim, applicant must be advised that claims drawn to the non-elected species are no longer withdrawn since they are fully embraced by the allowable generic claim.

### CONCLUSION

The Applicant believes it has responded to each matter raised in the Office Action. Any questions may be directed to the undersigned at 404.853.8407.

Respectfully submitted,



Mark E. Henderson  
Reg. No. 51,144  
Attorney for Applicant

**SUTHERLAND ASBILL & BRENNAN LLP**  
999 Peachtree Street, NE  
Atlanta, Georgia 30309-3996  
(404) 853-8000  
(404) 853-8806 (Facsimile)  
[mark.henderson@sablaw.com](mailto:mark.henderson@sablaw.com)

SAB Docket: 19441.0001